

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JIMMY L. RAMSEYER,

Petitioner,

v.

DICK SMELSER,

Respondent.

Case No. C05-5006FDB

ORDER DENYING CERTIFICATE  
OF APPEALABILITY

Petitioner seeks to appeal from the adoption of the Report and Recommendation denying his application to proceed *in forma pauperis*, as Petitioner paid the \$5.00 filing fee. Petitioner argues that he will have other expenses associated with pursuit of his case, and seeks to appeal the decision.

The additional expenses to which Petitioner refers were not a basis for the report and recommendation, and the Court sees no error in denial of IFP status in this instance.

ACCORDINGLY,

IT IS ORDERED: Petitioner's Motion for a Certificate of Appealability [Dkt. # 22] is DENIED.

DATED this 20<sup>th</sup> day of April 2005.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE